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COMPOSITION OF THE WIPO COORDINATION COMMITTEE

Document prepared by the Secretariat

1. The WIPO Coordination Committee is established by Article 8 of the Convention Establishing the World Intellectual Property Organization (“the WIPO Convention”) as the executive coordinating organ among the various organs of States constituted under the treaties administered by WIPO. It derives its executive character from its limited membership (its current membership is 71 States, compared to the total WIPO membership of 171 States), and from the annual periodicity of its ordinary meetings,¹ in contrast to the biennial periodicity of the ordinary meetings of the WIPO General Assembly² and the Assemblies of the various Unions administered by WIPO.³

2. The function of the Coordination Committee is, in general, to deal with or provide advice on matters that are common to two or more of the Unions administered by WIPO.⁴

¹ Article 8(4)(a), WIPO Convention.

² Article 6(4)(a), WIPO Convention.

³ See, for example, Article 13(7)(a), Paris Convention for the Protection of Industrial Property.

⁴ Article 8(3)(i), WIPO Convention:

“(3) The Coordination Committee shall:

(i) give advice to the organs of the Unions, the General Assembly, the Conference, and the Director General, on all administrative, financial and other matters of common interest either to two or more of the Unions, or to one or more of the Unions and the Organization, and in particular on the budget of expenses common to the Unions;”

Thus, for example, the Coordination Committee is responsible for nominating a candidate for appointment to the post of Director General,⁵ for approving the proposed appointments of Deputy Directors General,⁶ for approving the staff regulations.⁷

3. The membership of the Coordination Committee is established once every two years, at the ordinary sessions of the Assemblies of Member States. The tenure of a member is two years (renewable). The membership of the Coordination Committee for the period September 1999 to September 2001 thus falls to be established during the meetings of the Assemblies of Member States in September 1999. Document A/34/15 (“Election of the Members of the Executive Committees of the Paris and Berne Unions and Designation of the *Ad Hoc* Members of the WIPO Coordination Committee”) addresses the establishment of the membership of the Coordination Committee for the coming two years. That document deals, however, with the constitutional manner in which the membership of the Coordination Committee is to be established, because the membership is not directly elected or appointed by any one organ but, rather, consists of States drawn from three other bodies, namely

- (i) the Executive Committee of the Paris Union,
- (ii) the Executive Committee of the Berne Union, and
- (iii) one-fourth of the States party to the WIPO Convention that are not members of any of the Unions administered by WIPO, as designated by the WIPO Conference.⁸

In addition, Switzerland, as the host State, is an *ex officio* member of the Coordination Committee.⁹

4. The number of members of the Coordination Committee increases over time. This increase results from new accessions to the Paris Convention for the Protection of Industrial Property (“the Paris Convention”), the Berne Convention for the Protection of Literary and Artistic Works (“the Berne Convention”) and the WIPO Convention. New accessions to the Paris and Berne Conventions increase the number of members of the Executive Committees of the Paris and Berne Unions, since these Committees are composed of one-fourth of the number of members of the Paris and Berne Conventions, respectively.¹⁰ New accessions to the WIPO Convention tend to increase the number of States party to the WIPO Convention that are not also party to one of the Unions administered by WIPO, one-fourth of which are designated by the WIPO Conference to be members of the Coordination Committee.¹¹ As a result of such new accessions, the number of members of the Coordination Committee grew from 68 for the period 1995-97 to 72 for the period 1997-99 and is expected to be 74 for the period 1999-2001.

5. When the question of the allocation of the new seats on the Coordination Committee was considered at the Assemblies of Member States in 1997, extensive discussions took place as to the principles pursuant to which those additional seats should be allocated. It was noted

⁵ Article 8(3)(v), WIPO Convention.

⁶ Article 9(7), WIPO Convention.

⁷ Article 9(7), WIPO Convention.

⁸ Article 8(1)(a) and (c), WIPO Convention. See, generally, document A/34/15 in which the constitutional composition of the Coordination Committee is explained.

⁹ Article 11(9)(a), WIPO Convention.

¹⁰ Article 14(3), Paris Convention and Article 23(3), Berne Convention.

¹¹ Article 8(1)(c), WIPO Convention.

during the group coordinators' meetings dealing with the question "that the allocation of additional seats ... over the years had not necessarily been subject to consistent articulated principles and that, as a result, certain discrepancies inadvertently may have been built into such distribution over the years" (document AB/XXXI/12, paragraph 166). The WIPO General Assembly therefore agreed:

"that the additional seats available for the Executive Committees of the Paris and Berne Unions (and the Budget and Premises Committees) would be allocated, without prejudice to future decisions based on a comprehensive review, for a two-year period;

"that the International Bureau prepare for the 1999 ordinary session of the General Assembly a paper outlining options of principles which could be used to re-establish overall seat allocations and the implications of each such principle for each group; and

"that the paper prepared by the International Bureau be considered by the 1999 ordinary session of the General Assembly."
(document AB/XXXI/12, paragraph 167).

6. The question of how seats in the Coordination Committee should be allocated between the various countries and groups of countries is obviously one for the Member States themselves and not for the Secretariat. In practice, since the inception of the Coordination Committee in 1970, the question has always been decided through negotiations between the Member States in the framework either of an *ad hoc* Nominations Committee constituted for that purpose or of the meetings of the group coordinators. The Secretariat's only role in such negotiations has been to provide information on the somewhat complicated technical rules on constitutional composition that must be respected. The Secretariat thus believes that it is inappropriate for it to propose any specific principles for the allocation of seats in the Coordination Committee, especially since such principles may have the effect of favoring an increased or decreased allocation of seats to particular groups. The Secretariat thus limits itself in the present document to the following three observations.

7. Legal Basis. Two general principles exist for guiding the determination of the membership of the Executive Committees of the Paris and Berne Unions (which, together, constitute the principal membership of the Coordination Committee). Those two principles are set out in Article 14(4) of the Paris Convention and Article 23(4) of the Berne Convention, which are in almost identical terms. Article 14(4) of the Paris Convention reads as follows:

"(4) In electing the members of the Executive Committee, the Assembly shall have due regard to an equitable geographical distribution and to the need for countries party to the Special Agreements established in relation with the Union to be among the countries constituting the Executive Committee."

8. Rules of Practice. No specific rules of practice have been established or followed in applying the two general principles set out in the preceding paragraph. The negotiations that have taken place between the Member States every two years have been reported in the records of the meetings of the Assemblies only as to the results of the negotiations in the form

of lists of new members of the Executive Committees of the Paris and Berne Unions.¹² The records do not reflect any agreed specific understandings on allocation of seats between countries or groups of countries.

9. Analogous Practice in Other Organizations. The Secretariat has enquired of practices followed in other international organizations in the allocation of seats on executive boards or committees, where such bodies exist. In general, such practices do not yield any useful analogies beyond the principle, which appears to be universally respected, of equitable geographical representation. The various ways in which such geographical representation is reflected provide little assistance in the context of WIPO, however, because of the different manners in which regional groups are constituted in the various organizations.¹³

10. The WIPO General Assembly, the Assembly of the Paris Union and the Assembly of the Berne Union are invited to note the contents of this document.

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¹² In 1979, it is reported that the additional seat that became available in that year for the Executive Committee of the Berne Union was filled by “a State belonging to the Group of Developing Countries” and that “it was agreed that the next additional seat which might become available in the Berne Executive Committee ... would be filled by a State member of Group B” (document AB/X/32, paragraph 55). However, that pattern of rotation has not, in practice, been followed as a consistent rule since that date.

¹³ For example, for the purposes of the Executive Board of the World Health Organization (WHO), there are six recognized regions (Africa, the Americas, Eastern Mediterranean Countries, Europe, South East Asia and the Western Pacific (including China)); for the purposes of the Executive Board of the United Nations Educational, Scientific and Cultural Organization (UNESCO), there are six electoral groups (Group 1 (Western Europe, Canada and the United States of America), Group 2 (Eastern Europe), Group 3 (Latin America and the Caribbean), Group 4 (Asia and the Pacific), Group 5 (Subdivided into Group 5A (African Countries) and Group 5B (Arab countries))); for the purposes of the Council of the Food and Agriculture Organization (FAO), there are seven regional groups (Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America and South West Pacific).